



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

SMC

Docket No: 08099-99

7 July 2000

MS1 [REDACTED] USN

USN [REDACTED]

Dear Petty O [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 12 April 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1610  
PERS-311  
12 April 2000

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS**

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: MS1(SY [REDACTED])

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his performance evaluation for the period 1 December 1995 to 17 May 1996.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member indicated he did desire to submit a statement. No statement or the reporting senior's endorsement was ever received by PERS-311.

b. The member alleges the report is adverse, not advised of his rights, and it does not reflect his performance because there is no write up in block-43. The report is a Detachment of individual/Regular report. The performance evaluation is procedurally correct.

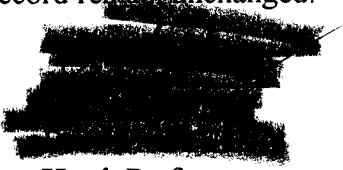
c. The member's entire allegations are without merit. The report is not adverse, therefore, the reporting senior was not required to prepare a letter informing him of an adverse report. The member states he was never properly advised of his rights. Paragraph 2.a refers. Reference (a), Annex N, paragraph N-6.j states; "Don't be afraid to leave white space. The object is to be factual and accurate, not fill up space. If no comments are required or desired, the comment block may be left blank". The member's social security number has been corrected. Any member may submit evaluation inputs. Reference (a), Annex S, paragraph S-3 states; "A member has the right to submit performance evaluation inputs, and has the duty to do so if requested by the reporting senior". In whatever manner the performance evaluation is developed represents the judgment and appraisal authority of the reporting senior.

d. Per reference (a), Annex B, paragraph B-2, the commanding officer of the command to which the member is permanently assigned is responsible for the submission of required reports.

e. We have changed the ending date of the report in question to 31 May 1996 in order maintain continuity.

f. The member does not prove the report to be unjust or in error.

3. We recommend the member's record remain unchanged.



Head, Performance  
Evaluation Branch